

Proposed CCC Forms Applicable to Successor In Interest, Consolidation and Division of Tobacco Transition Payment Program Contracts

Proposed Forms

CCC-962	Tobacco Transition Payment Program Successor In Interest Contract
CCC-963	Tobacco Transition Payment Program Account Registration
CCC-964	Tobacco Transition Payment Program Contract Transfer Fees Schedule
CCC-968	Tobacco Transition Payment Program Master Successor In Interest Contracts
CCC-968 Appendix	Appendix to Tobacco Transition Payment Program Master Successor In Interest Contracts
CCC-968 Continuation	Continuation Form to Tobacco Transition Payment Program Master Successor In Interest Contracts
CCC-969	Division of Tobacco Transition Payment Program Contracts
CCC-969 Continuation	Continuation Form to Division of Tobacco Transition Payment Program Contracts
CCC-970	Consolidation of Tobacco Transition Payment Program Contracts
CCC-970 Continuation	Consolidation of Tobacco Transition Payment Program Contracts

Approved Forms

CCC-955	Tobacco Transition Payment Quota Holder Contract
CCC-955 Appendix	Tobacco Transition Payment Quota Holder Contract
CCC-956	Tobacco Transition Payment Producer Contract
CCC-956 Appendix	Tobacco Transition Payment Producer Contract
CCC-960	Tobacco Transition Payment Notification of Contract Approval and Appeal Rights

**TOBACCO TRANSITION PAYMENT PROGRAM (TTPP) REGISTRATION
FORM CCC- 963**

1. REGISTRATION (CCC-963)

- a. Any person or entity may succeed to a TTPP contract, with an approved registration.
- b. A successor must complete CCC-963, Tobacco Transition Payment Program Registration Form.
- c. A successor must submit, if not already on file, the following forms:
 - i. Highly Erodible Land Conservation and Wetland Certificate (AD-1026)
 - ii. Direct Deposit Sign-up Form (SF-1199A)
 - iii. Power of Attorney (FSA-211) (if applicable)
- d. CCC will post to the FSA website (www.fsa.usda.gov/tobacco) the name, address, and telephone number of registrant, upon approval of registrant

SUCCESSOR IN INTEREST CONTRACT: Form CCC-962

1. SUCCESSOR IN INTEREST (SII) CONTRACT (CCC-962) RULES

- a. A successor must first complete CCC-963, Tobacco Transition Payment Program Registration Form.
- b. Successor in Interest Contracts (CCC-962) may be submitted by FAX, hand delivery, by mail or online.
- c. A successor may succeed to a Tobacco Transition Payment Program contract (either CCC-955 or CCC-956) from an original contract quota holder.
- d. A successor may also succeed to a Tobacco Transition Payment Program Successor In Interest contract (CCC-962).
- e. Succession to Successor in Interest contracts is unlimited.
- f. Quota Holder Successor in Interest contracts cannot be consolidated with Producer Successor in Interest contracts.
- g. Contracts are ineligible for succession if
 - i. There is a debt or receivable outstanding
 - ii. The producer is ineligible under Highly Erodible Land Conservation and Wetland or controlled substance provisions
 - iii. There is an assignment against the contract
- h. Contract must be succeeded to in its entirety, except under the following circumstances:
 - iv. Estate division
 - v. Permanent quota assigned to another person's land prior to October 22, 2004, with consent of the landowner
 - vi. Family member.

2. NOTIFICATION OF APPROVAL

- a. Notification of approval will be made by e-mail confirmation to Successor's e-mail account.
- b. Each successor that registers will be provided an account number, a user Id and a password to view account information.

3. FEE STRUCTURE

- a. Successor to an Original Contract Holder
 - vii. Free
- b. Successor to a Successor
 - viii. \$50 per contract

**CONSOLIDATION OF CONTRACTS:
FORMS CCC-970, CCC-970 Continuation, CCC-962**

- 1. EXISTING CONTRACT HOLDER MAY CONSOLIDATE** two or more contracts into one contract, Form CCC-970. The following types of contracts may be consolidated:

- a. Tobacco Transition Payment Program Quota Holder Contracts (Form CCC-955)
- b. Tobacco Transition Payment Program Producer Contracts (Form CCC-956)
- c. Tobacco Transition Payment Program Succession-In-Interest Contracts (Form CCC-962)

2. LIMITATION

- a. Only contracts bearing the same CCC form number may be combined, except:
 - i. Form CCC-962 contract issued as a successor contract to an original Form CCC-955 may only be combined with a Form CCC-962 issued as a successor contract to another original Form CCC-955.
 - ii. Form CCC-962 contract issued as a successor contract to an original Form CCC-956 may only be combined with a Form CCC-962 issued as a successor contract to another original Form CCC-956.

3. ELECTION TO CONSOLIDATE

- a. A contract holder may elect the following methods, subject to the limitation specified in (2), to consolidate contracts under an existing TTPP account, or if not available, under a taxpayer identification number:
 - i. Consolidate all CCC-955's issued as of a date specified by the contract holder.
 - ii. Consolidate all CCC-956's issued as of a date specified by the contract holder.
 - iii. Consolidate all CCC-962's issued as of a date specified by the contract holder.
 - iv. Consolidate selected CCC-955's listed by the contract.
 - v. Consolidate selected CCC-956's listed by the contract holder.
 - vi. Consolidate selected CCC-962's listed by the contract holder.

4. ISSUANCE OF RESULTING CONTRACTS.

- a. CCC will send Form CCC-962 to a New Contract Holder as a result of the consolidation of this contract
 - i. Part A will contain the entry "None - Replacement TTPP Contract by CCC in the Name of _____".
 - ii. Part B will contain the information pertaining to the New Contract Holder from Form CCC-963. CCC will provide a signed copy of such contract to the New Contract Holder.

**ALTERNATIVE METHOD TO CONSOLIDATE AND DIVIDE CONTRACTS USING
THE MASTER SUCCESSION IN INTEREST CONTRACT
FORMS CCC-968, CCC-968 Appendix, CCC-968 Continuation, CCC-962**

1. MASTER SUCCESSION-INTEREST CONTRACTS (FORM CCC-968)

- a. A successor must first complete CCC-963, Tobacco Transition Payment Program Registration Form.
- b. The purpose of this contract is to facilitate the issuance of Tobacco Transition Payment Program Succession-In-Interest Contracts (Form CCC-962) to a third party (New Contract Holder) designated by the Successor.
- c. CCC-963 (Tobacco Transition Payment Program Account Registration) must be on file.
- d. The Successor agrees that any TTPP contracts acquired by the Successor, and any and all rights and obligations arising from such contracts, will not be transferred to any other party except as provided in this contract.

2. CONSOLIDATION OF CONTRACTS

- a. The dollar value of CCC-962 contracts is accumulated by account number (using one account number for producer contracts and a different account number for quota holder contracts).

3. DIVISION OF CONTRACTS

- a. Successor agrees that the division of the TTPP payments otherwise due and payable to the Successor that will be transferred to the New Contract Holder will be amounts of not less than \$10,000 determined as the total amount to be paid by CCC through 2014, except that CCC will allow for the transfer of a smaller amount with prior approval to facilitate administration of this contract.

4. OPERATION OF THIS MASTER SUCCESSOR CONTRACT.

- a. CCC will allow the Successor to transfer the right to such payments to a New Contract Holder. The successor shall specify dollar values to transfer.
- b. The Successor shall notify CCC no more than once each week of the identity of the person(s) to whom the Successor desires to transfer the TTPP otherwise payable to the Successor. Such notification shall be made by providing to CCC the Appendix to Tobacco Transition Payment Program Master Succession-Interest Contracts (Form CCC-968 Appendix) (hereafter Appendix).
 - i. The appendix shall specify: (i) the name of the New Contract Holder; (ii) the TTPP Account Number of the New Contract Holder or if such person does not have a TTPP Account Number, the taxpayer identification number of such person; (iii) the amount of the Successor's TTPP to be paid through 2014 to the New Contract Holder; and (iv)

- whether the division of the Successor's TTPP is with respect to payments due and payable under Form CCC-955 or Form CCC-956.
- c. If the Taxpayer Payer Identification Number of a New Contract Holder is used in lieu of the TTPP Account Number, the New Contract Holder must submit a completed Form CCC-963 to CCC before CCC will issue a payment to the New Contract Holder. If the Form CCC-963 is approved by CCC after January 1 of any year, the TTPP payment to be issued on the January 15 of such year will be issued to the Successor and not to the New Contract Holder.

5. ISSUANCE OF RESULTING CONTRACTS.

- a. CCC will send Form CCC-962 to a New Contract Holder as a result of the division of this contract
 - i. Part A will contain the entry "None - Replacement TTPP Contract by CCC in the Name of _____".
 - ii. Part B will contain the information pertaining to the New Contract Holder from Form CCC-963. CCC will provide a signed copy of such contract to the New Contract Holder.

6. TERMINATION OF THIS MASTER SUCCESSOR CONTRACT.

- a. The Successor may terminate this contract by providing to CCC written notice 30 days prior to the effective date of the termination. CCC may terminate this contract if the Successor submits requests to divide this contract that exceed the amount of the TTPP otherwise due and payable by CCC to the Successor.

**DIVISION OF CONTRACTS:
FORMS CCC-969, CCC-969 Continuation, CCC-962**

1. EXISTING CONTRACT HOLDER MAY DIVIDE the contract into one or more contracts using Form CCC-969. The following types contracts may be divided:

- a. Tobacco Transition Payment Program Quota Holder Contracts (Form CCC-955)
- b. Tobacco Transition Payment Program Producer Contracts (Form CCC-956)
- c. Tobacco Transition Payment Program Succession-In-Interest Contracts (Form CCC-962)

2. DIVISION OF CCC-955 or CCC-956 CONTRACTS

- a. The division of a contract will result in the issuance of a contract to one or more persons ("New Contract Holders").
- b. If a balance exists after completion of the division, a new contract will be created for the Existing Contract Holder.
- c. The New Contract Holders will be subject to the provisions of 7 CFR Part 1463.112 relating to the minimum amount of consideration that must be paid to the original holder.
- d. Each New Contract Holder must submit with this contract a completed Form CCC-962 (Tobacco Transition Payment Program Successor-In-Interest Contract).
- e. Each New Contract Holder must have previously completed the registration Form CCC-963 (Tobacco Transition Payment Program Account Registration).
- f. If the New Contract Holder has not registered by January 1 of any year, the TTPP payment to be issued on the January 15 of such year will be issued to the original contract holder and not to the New Contract Holder. The resulting contracts will be issued to the: (i) Existing Contract Holder, if applicable, as is appropriate as either a CCC-955 or CCC-956; and (ii) to a New Contract Holder as a CCC-962.3.

3. DIVISION OF CCC-962 CONTRACTS.

- a. Form CCC-969 will be used to divide payments that are payable under a CCC-962.
- b. This division of a CCC-962 will result in the issuance of two or more CCC-962's by CCC.

4. DIVISION OF CONTRACT DUE TO DEATH.

- c. If the division of the contract is due to the death of the person, CCC, upon presentation of a copy of a death certificate, will:
 - ix. issue a Form CCC-962 to a surviving spouse without regard to any will or other document prepared by the Existing Contract Holder;
 - x. issue a Form CCC-962 to the New Contract Holders identified in Part B if a person allowed under State law to distribute the assets of the Existing Contract Holder attests that there is no surviving spouse.
 - 1. Evidence of such authority includes documents such as:
 - a. a copy of a court order identifying the person to act on behalf of the estate; and
 - b. a statement from the county attorney for the county in which the Existing Contract Holder resided that the person submitting this contract may act on behalf of the estate.

5. FEE STRUCTURE

- a. Division due to death of contract holder
 - xi. Free
- b. All other divisions
 - xii. \$50 per resulting contract